Medical Marijuana Land Use Regulations

(Selected sections – always verify current code and regulations with Land Use at 719-385-5905 or www.springsgov.com)

7.2.302: DEFINITIONS OF USE TYPES:

- C. Commercial Use Types: Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.
 - 22. MEDICAL MARIJUANA FACILITY (MMJ Facility): An establishment licensed by the City of Colorado Springs and the State of Colorado for the growth, cultivation, acquisition, manufacture, storage, dispensing and/or sale of medical marijuana or medical marijuana infused products. The following are considered medical marijuana facility use types:
 - a. Medical Marijuana Center (MMC): An establishment for the storage, dispensing and/or sale of medical marijuana or medical marijuana infused products.
 - b. Medical Marijuana Infused Products Manufacturer (MMIPM): An establishment for the manufacture and storage of medical marijuana infused products.
 - c. Optional Premises Cultivation Operation (OPCO): An establishment for the growth, cultivation, and storage of medical marijuana.

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC USES ALLOWED IN RESIDENTIAL ZONES:

- P. Medical Marijuana Exception Patient Or Primary Caregiver: A patient who is in possession of a Colorado State issued registry identification card may grow a maximum of six (6) plants and possess medical marijuana for their medical use only in accord with Colorado Constitution article XVIII, section 14. A person designated as the primary caregiver for no more than five (5) patients may grow and possess a maximum of six (6) medical marijuana plants per patient for their patients' medical use in accord with Colorado Constitution article XVIII, section 14. These activities are allowed as accessory uses in all residential zone districts or residential units so long as:
 - 1. No medical marijuana is dispensed, except to registered patients;
 - 2. No medical marijuana infused products are manufactured or sold;
 - 3. No medical marijuana is cultivated outdoors;
 - 4. No signs regarding medical marijuana are displayed; and
 - No more than one caregiver per dwelling unit is permitted⁶. (Ord. 94-107; Ord. 01-42; Ord. 02-98; Ord. 02-125; Ord. 02-153; Ord. 03-74; Ord. 03-127; Ord. 03-157; Ord. 06-161; Ord. 09-70; Ord. 09-80; Ord. 10-42; Ord. 10-107; Ord. 11-19)

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

The following table designates uses allowed in the office, commercial, industrial, traditional neighborhood development and special purpose districts. Principal permitted uses are shown as P, conditional uses are shown as C (see also note 3 of table) and accessory uses are shown as A. All uses allowed in a specific PUD or FBZ zone district and related development standards shall be determined at the time of zone district establishment or change. The use and development of an individual site are subject to the standards of its determined zone, the applicable landscaping, parking, sign, and general site development standards listed in this Zoning Code. Uses not listed in the table may be allowed as principal permitted, conditional and accessory uses in any district where similar uses are allowed in conformance with this Zoning Code. The description of land use types listed in article 2, part 3 of this chapter shall be used to assist with the determination of land uses and categories.

PERMITTED, CONDITIONAL AND ACCESSORY USES
OFFICE, COMMERCIAL, INDUSTRIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT, SPECIAL PURPOSE AND
FORM-BASED ZONE DISTRICTS^{1,3,5}

	Use Types	OR	ОС	РВС	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
С	ommercial use types:														
	Medical marijuana facility:														
	Medical marijuana center	7	7	Р	Р	Р	A ⁶	A ⁶	A ⁶	A ⁶					
	Medical marijuana infused product manufacturer	7	7	Р	Р	Р	Р	Р	Р	Р					
	Optional premises cultivation operation	7	7	Р	Р	Р	Р	Р	Р	Р					

Notes:

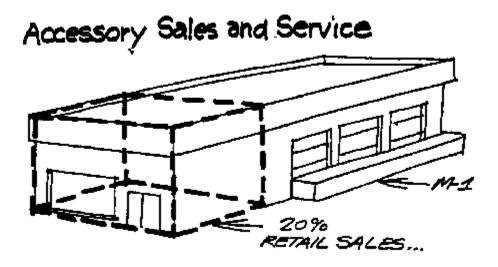
- 1. Unless otherwise permitted by this Zoning Code, all uses permitted in a specific PUD zone district shall be determined at the time of zoning.
- 2. See section 7.4.603 of this chapter for additional CMRS information.
- 3. Development plan required for all conditional uses and when required per section 7.7.502 of this chapter.
- 4. See section 7.3.205 of this part for additional standards for specific land uses.
- 5. Unless otherwise permitted by this Zoning Code, all uses permitted in a specific FBZ zone district shall be determined at the time of zoning and described in the zone specific regulating plan.
- 6. In accord with subsection <u>7.3.205</u>C, "Accessory Retail Sales And Services", of this part.
- 7. Refer to subsection 7.3.205K6 of this part for additional standards for MMJ facilities located within the OR and OC zone districts.

(Ord. 80-131; Ord. 81-102; Ord. 86-39; Ord. 86-117; Ord. 86-119; Ord. 90-108; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-173; Ord. 02-97; Ord. 02-125; Ord. 02-153; Ord. 03-74; Ord. 03-110; Ord. 03-157; Ord. 06-55; Ord. 06-162; Ord. 09-73; Ord. 09-88; Ord. 10-42; Ord. 10-107; Ord. 12-66)

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

Individual standards designed to mitigate impacts apply to many uses allowed in the office, commercial, industrial, and special purpose zone districts. These standards are in addition to the development standards and the general site development standards contained in this Zoning Code. For development standards for residential uses which are also allowed in the office and commercial zone districts, use the residential standards listed under the R-5 zone in the table "Agricultural, Residential, Special Use And Traditional Neighborhood Development Zone District Development Standards", in section 7.3.104 of this article, and the descriptions in section 7.3.105 of this article.

C. Accessory Retail Sales And Services: Retail sales and services are allowed in the PIP-1, PIP-2, M-1 and M-2 zone districts. They may be operated on the same lot and in conjunction with uses that are specifically allowed in a specific district. In the M-1 zone, retail sales must be conducted within the same building as the principal permitted use and shall not occupy more than twenty percent (20%) of the gross floor area of the principal building. In the PIP-1, PIP-2 and M-2 zones, retail sales may be conducted outside the principal building, but the combined sales area of both inside and outside the principal building shall not occupy more than thirty percent (30%) of the gross floor area of the principal building.



- K. Medical Marijuana Facility (MMJ Facility): A medical marijuana facility shall be subject to the following additional standards:
 - 1. The MMJ facility is prohibited within a residential zone district or dwelling unit, to the extent the facility is not subject to an exception pursuant to subsection 7.3.105R of this article.
 - 2. The MMJ facility must hold valid local and State medical marijuana business licenses and local and State sales tax licenses, as applicable.
 - 3. On premises use, consumption, ingestion, or inhalation within an MMJ facility is prohibited.
 - 4. If necessary, the facility shall install, maintain and operate an air filtration system so that odor is not detectable beyond the facility.
 - 5. A medical marijuana center (MMC) shall be located no less than four hundred feet (400') from any public or private elementary, middle, junior high or high school, or a residential childcare facility or a drug or alcohol treatment facility. This minimum distance shall be measured from the nearest portion of the building used for the medical marijuana center to the nearest property line of the school, residential childcare facility or drug or alcohol treatment facility using a route of direct pedestrian access.
 - 6. City Council specifically finds and determines that it is in the best interests of the public health, safety and welfare to forego zoning enforcement action against those MMJ facilities located within the office residential (OR) or office complex (OC) zone districts that: a) otherwise complied with the City's preapplication procedure found in chapter 2, article 3, part 11 of this Code, b) are found to be in compliance with subsection N of this section, and c) are subsequently granted State and local medical marijuana business licenses. So long as these qualified MMJ facilities obtain and maintain State and local medical marijuana business licenses at the locations identified in the preapplication, the City will forego any adverse zoning enforcement action related to that MMJ facility use in the OR or OC zone.

This zoning enforcement forbearance only applies to the identified and qualified MMJ facilities owned or operated by the person or entity identified in the preapplication and shall not run with the land. Should these identified MMJ facilities cease operations for any period of time in the facilities' current OR or OC zone, the City shall enforce zoning restrictions against the reestablishment of, or any expansion of any existing MMJ facility, or any proposed new MMJ facility seeking to locate in any OR or OC zone. No MMJ facility located in an OR or OC zone district shall be declared a legal nonconforming use or be granted any "grandfathered" land use rights.

7.4.203: PARKING SPACE REQUIREMENTS BY USE:

A. Minimum Number Of Off Street Parking Spaces: The minimum number of off street parking spaces to be provided for a use is listed in the following table. All parking ratios are based upon the gross floor area contained within the building. When the computation of the required off street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions of 0.5 or less shall be rounded to the next lowest whole number. Fractions greater than 0.5 shall be rounded to the next highest whole number. Parking amounts required for uses in MU zone districts are subject to the supplemental parking requirements and standards in subsection 7.3.712B of this chapter. Alternative parking requirements may be established as a part of an FBZ regulating plan.

The required off street parking spaces for a use which is not specifically listed, shall be determined by the Manager based upon the requirements of other listed similar uses.

MINIMUM OFF STREET PARKING REQUIREMENTS FOR SPECIFIC USES

Use Types	Minimum Required Off Street Parking Space In All Zone Districts, Except As Allowed In Subsection 7.3.712 A Of This Chapter						
Commercial use types:							
Medical marijuana facility:							
Medical marijuana center	1 space per 300 square feet - retail, 1 space per 400 square feet - office						
Medical marijuana infused product manufacturer	1 space per 750 square feet						
Optional premises cultivation operation	1 space per 5,000 square feet - grow and process, 1 space per 400 square feet - office						

Note:

1. Square footage is based off the gross floor area within a particular business.